



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: November 21, 2019

TO: Circuit and District Court Judges
District Court Magistrates
Circuit and District Court Administrators

FROM: Bobbi Morrow

RE: Recent Amendments to the Michigan Court Rules

Amendments to the Michigan Court Rules are an expected progression necessary for design and implementation of the statewide electronic-filing system. There have been many recent changes to the court rules, but there have been three major rounds of amendments. The first major round of court rule amendments ([ADM File No. 2002-37](#)) became effective September 1, 2018. The second major round of court rule amendments ([ADM File No. 2002-37](#)) became effective May 1, 2019. The third major round of court rule amendments ([ADM File No. 2002-37](#)) will become effective January 1, 2020. While many of the court rule amendments were adopted with respect to e-Filing, many of the changes will affect both paper and electronic filing processes.

The following is not an exclusive list of all of the court rule amendments contained in the orders referenced above; rather it highlights some of the changes that will have the most impact on courts.

First round amendments ([ADM File No. 2002-37](#)) that became effective September 1, 2018:

- MCR 1.109 – Moved existing language into the rule as a way to, for the first time, include most filing requirements in one single rule, instead of scattered in various rules.
 - 1.109(E) – Allows for electronic signatures. The following form is acceptable:
/s/ John L. Smith.
 - 1.109(G)(3)(b) – Allows case evaluations or inventory information for decedent estates to be transmitted to the court for purposes other than filing in a case file.

- MCR 3.206, MCR 3.931, and MCR 3.961 – Require a completed case inventory to be filed when any pending or resolved family division case exists that involves family members of the person(s) named in the case initiation document or petition.
- MCR 8.119(J)(1) – A court may not charge a fee to access public case history information or to retrieve or inspect a case document irrespective of the medium in which the case record is retained.

Second round amendments ([ADM File No. 2002-37](#)) that became effective May 1, 2019:

- MCR 2.102 – A summons expires 91 days after the date the summons was issued, rather than when the complaint was filed.
- MCR 2.104 – A proof of service may be made by a verified statement rather than an affidavit.
- MCR 2.508 – The demand for jury must be filed as a separate document.
- MCR 2.603, MCR 3.104, MCR 4.202, and MCR 4.306 – The parties are responsible for service rather than the district court, making the requirement consistent with circuit and probate courts.

Third round amendments ([ADM File No. 2002-37](#)) that will become effective January 1, 2020:

- MCR 2.116 and MCR 2.119 – A judge's copy of a motion or response (including brief) is not required where electronic filing has been implemented.
- MCR 2.222 (venue proper), MCR 2.223 (venue improper), MCR 2.225 (joinder to control venue), MCR 2.227 (transfer for lack of jurisdiction), MCR 3.212 (postjudgment transfer of domestic relations case), and MCR 4.002 (transfer of actions from district to circuit) – The court must order the filing fee to be paid directly to the receiving court; the receiving court must open a case pending payment of the filing fee; the receiving court must notify the party of the new case number, amount due, and due date; and if the filing fee is not paid to the receiving court within 28 days, the receiving court must order the case transferred back to the transferring court (for venue proper or postjudgment transfer of domestic relations cases) or dismiss the case (or counterclaim/cross-claim).
- MCR 4.202 – The plaintiff is responsible for service of the judgment, rather than the district court.
- MCR 6.101 – A criminal complaint must be signed and verified under MCR 1.109(D)(3), rather than sworn to before a judicial officer or court clerk.
- MCR 4.101 and MCR 6.615 – Allows a citation for a civil infraction or misdemeanor traffic case to be filed electronically or on paper. If prepared electronically, the name of the officer that is associated with issuance of the citation satisfies the signature requirement.

- MCR 8.105 –The clerk may charge a reproduction fee if an attorney or party does not provide at least one copy when filing a proposed order or judgment in a paper process.
- MCR 8.119 – Materials that are subject to a motion to seal a record must be made temporarily nonpublic pending the court’s disposition on the motion. See also MCR 1.109(D)(8)(c) and (d).

Miscellaneous amendments:

- MCR 2.513 – [ADM File No. 2016-05](#), effective May 1, 2019 – Provides that a court must orally recite its preliminary and final instructions for the jury (in addition to providing them in writing).
- MCR 8.123 (rescinded) – [ADM File No. 2018-27](#), effective September 19, 2019 – The court rule that required certain data to be collected from courts regarding appointment of counsel and for plans for appointment to be approved by SCAO is rescinded because it is now a requirement of the Michigan Indigent Defense Commission.
- MCR 3.106 – [ADM File No. 2018-18](#), effective January 1, 2020 – Requires trial courts to provide a copy of each court officer’s bond to SCAO, along with the list of court officers.
- MCR 1.109 and MCR 8.119 – [ADM File No. 2017-28](#), effective January 1, 2021 – Makes certain personal identifying information (PII) nonpublic and clarifies the process regarding redaction.

The court rule amendments involving transfers (e.g. MCR 2.222, MCR 2.223, MCR 2.225, MCR 2.227, MCR 3.212, and MCR 4.002) may impact case management systems because the receiving court will need to be able to open a case pending payment of the filing fee. Courts are encouraged to check with their vendors to see what changes must be made to accommodate the rule change.

For more information on Michigan Court Rules and standards that have been adopted to support e-Filing please follow this link:

<https://courts.michigan.gov/Courts/trialcourts/mifile/courtclerkinformation/Pages/Court-Rules-eFiling-Standards.aspx>.

If you have any questions, please contact Bobbi Morrow at trialcourtservices@courts.mi.gov or 517-373-2173.